



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 57] नई दिल्ली, बुधवार, दिसम्बर 22, 1983/पौष 1, 1905
No. 57] NEW DELHI, THURSDAY, DECEMBER 22, 1983/PAUSA 1, 1905

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 22nd
December, 1983:—

BILL No. 124 OF 1983

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic
of India as follows:—

1. This Act may be called the Representation of the People (Amend- Short
ment) Act, 1983. title,

43 of 1951.

2. In section 66 of the Representation of the People Act, 1951, the Amend-
following proviso shall be added, namely:— ment of
Section
66.

“Provided that a candidate shall not be declared elected if the
number of votes polled by him is less than fifty per cent. of the votes
polled and the votes polled in the constituency are less than seventy
five per cent. of the total voters registered in the electoral rolls of
that constituency and a fresh poll shall be ordered to fill the seat
within a period of one month from the date of declaration of the
result.”.

STATEMENT OF OBJECTS AND REASONS

All the elections held so far in the country have shown that a large number of people do not exercise their franchise and also a number of candidates declared elected have secured less than the total votes polled by the losing candidates. Even in Assembly elections, in a number of constituencies, candidates getting less than 1000 votes have been declared elected whereas the total number of voters registered in the constituency was 1 lakh or more. It is, therefore, necessary to amend the Representation of the People Act, 1951 with a view to provide for a minimum percentage of votes of the total electorate which must be necessary for the candidate to poll to be declared elected. It is proposed to provide that at least 50 per cent of the total votes polled in a particular constituency should be secured by the elected candidate and also at least 75 per cent of the electorate should exercise the franchises so that the person elected is really representing their constituency in a proper sense. This will also reduce the number of candidates fighting the elections.

Hence this Bill.

NEW DELHI;
October 22, 1953.

B. V. DESAI

BILL NO. 125 OF 1983

A Bill to provide representation in State Legislatures and Parliament to Indian nationals living abroad.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Nationals Living Abroad (Representation in Parliament and State Legislatures) Act, 1983.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Notwithstanding anything contained in any other law for the time being in force,—

(i) all the Indian nationals who have not acquired the citizenship of the country in which they are living and retain their Indian citizenship may exercise their franchise in elections for both State Legislatures and Parliament in the country;

Short
title,
extent
and
commen-
cement.

Right to
vote and
to contest
elections
to Indian
nationals
abroad.

(ii) any such national, mentioned in clause (i), shall be allowed to contest the election to the State Legislatures as well as to the Parliament;

(iii) the names of the Indian nationals living abroad shall continue to be registered in the electoral rolls of the constituency in which they were registered as voters before leaving the country.

Diplo-
matic and
Consular
Officers to
assist
Election
Commis-
sion and
to work
as
Electoral
Officer.

3. The Head of Diplomatic Mission and/or Consular Officer of the Government of India in the foreign country shall be designated as an Electoral Officer for the purpose of conducting an election and shall assist the Election Commission in conducting the election.

Prepara-
tion of
separate
electoral
rolls of
Indian
nationals
abroad.

4. The Election Commission shall prepare separate electoral rolls of Indian nationals living abroad for each constituency referred to in section 2(iii).

STATEMENT OF OBJECTS AND REASONS

Over the years a large body of Indian nationals have come to reside ordinarily in foreign countries. They continue to take keen interest in the affairs of the country and represent India in a true sense but are unable to exercise their franchise because there is no machinery in existence to enable them to register themselves as voters or to vote in the elections.

For various reasons it is impracticable for Indian nationals living abroad to be registered as voters at their permanent residences in India and even if a citizen is registered, it is impracticable for him to receive the ballot paper and to cast his vote in his home constituency.

Keeping in view this difficulty, a new approach to the problem is proposed. Such persons should be represented in Parliament and State Legislatures as representatives of Indian nationals living abroad. Such representatives would be able to focus attention on the problems and reflect aspirations of the Indian community they represent and bring to bear on national affairs the views of their constituents and their experience.

This will remove a genuine grievance of Indian nationals living abroad and strengthen their emotional bonds with their country of origin.

Hence this Bill.

NEW DELHI;
November 1, 1983.

B. V. DESAI.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Election Commission shall prepare separate electoral rolls of Indian nationals residing abroad. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees four lakhs per annum.

It is also likely to involve a non-recurring expenditure of about rupees fifty thousand.

BILL No. 137 OF 1983

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1983.

(2) It shall come into force at once.

2. After article 123 of the Constitution, the following article shall be inserted, namely:—

“123A. Notwithstanding anything contained in this Constitution, no Ordinance shall be re-promulgated nor a fresh Ordinance substantially reproducing the provisions of a repealed or lapsed Ordinance shall be promulgated within a period of five years from the date of promulgation of the previous Ordinance.”.

Short
title
and
com-
mence-
ment.

Insertion
of new
article
123A.

Limita-
tion on
promul-
gation of
Ordi-
nances.

Insertion
of new
article
213A.

3. After article 213 of the Constitution, the following article shall be inserted, namely:—

Limitation
on Promul-
gation of
Ordi-
nances,

“213A. Notwithstanding anything contained in this Constitution, no Ordinance shall be re-promulgated nor a fresh Ordinance substantially reproducing the provisions of a repealed or lapsed Ordinance shall be promulgated within a period of five years from the date of promulgation of the previous Ordinance.”.

STATEMENT OF OBJECTS AND REASONS

Frequent promulgation of Ordinances during non-session periods of Parliament and Legislatures has impeded the democratic functioning of the Parliament and the State Legislatures; and the rights of the members are, thus, usurped.

It is, therefore, proposed that no Ordinance shall be re-promulgated nor a fresh Ordinance substantially reproducing the provisions of a repealed or lapsed Ordinance shall be promulgated within a period of five years from the date of promulgation of the previous Ordinance. This will help the elected members to consider the validity of the Ordinances during this period and to act otherwise if they find that the Government had erred in promulgation of the previous Ordinance.

Hence this Bill.

NEW DELHI;
November 20, 1983.

RAM VILAS PASWAN

BILL No. 136 OF 1983

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 1983.

(2) It shall come into force at once.

Amend-
ment of
article 85.

2. In article 85 of the Constitution, in clause (1),—

(i) for the words “six months”, the words “three months” shall be substituted;

(ii) the following proviso shall be added at the end, namely:—

“Provided that each House of Parliament shall remain in session for at least one hundred and fifty days in a year.”.

3. In article 174 of the Constitution, in clause (1),—

Amendment
of article
174.

(i) for the words “six months”, the words “three months” shall
be substituted;

(ii) the following proviso shall be added at the end, namely:—

“Provided that the House or each House of the Legislature
of the State shall remain in session for at least one hundred and
twenty days in a year.”.

STATEMENT OF OBJECTS AND REASONS

The duration of sessions of Parliament and State Legislatures for three to four weeks is too short a period to transact business. Many important legislations either remain incomplete or many a time they have to be postponed to next session. Besides, if the session is of a short period, it does not provide enough time for all the members to participate in the discussion and no justice is done to the Bill or subject under discussion. It is, therefore, suggested that the duration of the session of each House of Parliament should be at least 150 days per year and that of each House of the State Legislature, it should be at least 120 days per year.

Hence this Bill.

NEW DELHI;
November 20, 1983.

RAM VILAS PASWAN

BILL No. 134 OF 1983

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1983. Short title.
2. In article 60 of the Constitution, for the words "Chief Justice of India or, in his absence, the seniormost Judge of the Supreme Court available", the words "Speaker of the House of the People or, in his absence, the Deputy Speaker thereof" shall be substituted. Amendment of article 60.
3. In article 159 of the Constitution, for the words "Chief Justice of the High Court exercising jurisdiction in relation to the State, or, in his absence, the senior most Judge of that Court available", the words "Speaker of the Legislative Assembly of the State or, in his absence, the Deputy Speaker thereof" shall be substituted. Amendment of article 159.

STATEMENT OF OBJECTS AND REASONS

In a democratic set up where Parliamentary democracy is the acknowledged form of Government, the Hon'ble Speaker of Lok Sabha and the Speakers of Vidhan Sabhas are the symbols of the collective will of the people as reflected through the Legislatures at the Centre and the States. It is, therefore, only belittling that the Hon'ble Speakers of Lok Sabha and Vidhan Sabhas of the respective States and Union Territories, where the Legislatures exist, are accorded a very high place in our body politic. Moreover, the Constitution (articles 94 and 179) provides that even when these Legislatures are dissolved, the Hon'ble Speaker shall continue to be in office till the next Houses have their first sitting after election. It is, therefore, essential that this high position of Presiding Officers of Legislatures is accorded due recognition in the set up of the State and especially in the Warrant of Precedence. The prestige of the Presiding Officers of the Central and State Legislatures will be considerably enhanced by their administering the oath of office and secrecy to the President of India at the Centre and the Governors in the States. It is, therefore, proposed to provide for administration of the oath of office to the President of India by the Hon'ble Speaker of Lok Sabha (and in his absence, the Hon'ble Deputy Speaker of Lok Sabha) and to the Governors of various States by the Hon'ble Speakers of the respective Legislative Assemblies and their Deputy Speakers, in the absence of Speakers.

Hence this Bill.

NEW DELHI;
November 11, 1983

KARAIN CHAND PARASHAR

BILL NO. 135 OF 1983

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1983. Short title.
2. In article 94 of the Constitution, in the second proviso, for the words **“the Speaker shall not vacate his office”**, the words **“the Speaker and the Deputy Speaker shall not vacate their respective offices”**, shall be substituted. Amend-
ment of
article 94.
3. In article 179 of the Constitution, in the second proviso, for the words **“the Speaker shall not vacate his office”**, the words **“the Speaker and the Deputy Speaker shall not vacate their respective offices”**, shall be substituted. Amend-
ment of
article
179.

STATEMENT OF OBJECTS AND REASONS

The Speaker and the Deputy Speaker of the House of the People or of the Legislative Assembly of a State occupy positions of high prestige in our democratic set up. The Constitution provides for the continuance in office of the Speaker of the House of the People even when the House is dissolved and for the continuance in office of the Speaker of the Legislative Assembly, in case that House is dissolved. There is no provision for the continuance in office of the Deputy Speaker, when the House is dissolved at a time when the office of the Speaker, is lying vacant for any reason. There is also no provision for coping with the situation when the vacancy is caused in the office of the Speaker by any reason, after the House (House of the People/Legislative Assembly) stands dissolved. To tide over this contingency, it is essential that the Deputy Speaker should also continue to be in office alongwith the Speaker, until immediately before the first meeting of the House of the People or the Legislative Assembly after the dissolution.

Hence this Bill.

NEW DELHI;
November 11, 1983.

NARAIN CHAND PARASHAR

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the continuance in office by the Deputy Speaker of the House of the People when the House stands dissolved until immediately before the first meeting of the House of the People after the dissolution. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India on account of salary and allowances payable to the Deputy Speaker during this period. It is likely to involve a recurring expenditure of about rupees four thousand per month, which may extend to a maximum period of six months, in view of the provisions of clause (1) of article 85 of the Constitution, every time the House of the People is dissolved. Under article 112(3) (b), the increase in the amount of such expenditure shall be charged on the Consolidated Fund of India.

The expenditure on account of salary and allowances payable to the Deputy Speaker of the Legislative Assembly of a State shall be met from and shall be a charge on the Consolidated Fund of that State.

No non-recurring expenditure is likely to be involved.

AVTAR SINGH RIKHY,
Secretary-General.

